

REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the reissue application of:

Attorney Docket No.: 2267.547US03

SCHULER et al.

Application No.: 10/020,861

Filed: December 14, 2001

For: ARRANGEMENT FOR LOCKING AND UNLOCKING A DOOR OF A CONTAINER

SUPPLEMENTAL REISSUE DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Werner Schuler, Karl Schubert, Andreas Mages and Andreas Anton, in support of the present reissue application at the United States Patent and Trademark Office, hereby declare:

1. Our residences, post office addresses and citizenships are as stated below next to our names.
2. We believe ourselves to be the original and first inventors of the subject matter, which is described and claimed in patent number 6,000,732, granted 12/14/99, and for which a reissue patent is sought on the invention entitled ARRANGEMENT FOR LOCKING AND UNLOCKING A DOOR OF A CONTAINER, the specification of which was filed on 12/14/2001 as reissue application number 10/020,861.
3. We have reviewed and understand the contents of the above-identified reissue specification, including the claims, as amended by the amendments.
4. We acknowledge the duty to disclose information material to the examination of this application in accordance with 37 C. F. R. § 1.56, including any public use, sale, or

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offer of sale of the disclosed invention occurring more than one year prior to the filing date of the application from which the present Patent issued.

5. We believe the original patent to be partially inoperative or invalid by reason of the patentee claiming less than the patentee had the right to claim in the patent.
6. The originally issued patent contained only one independent claim, claim 1. Claim 1 contains several means-plus-function claim limitations, which we now understand renders the claim narrower in scope than non-means-plus-function claim limitations. We were not aware of the relative narrow treatment given to claims under 35 U.S.C. § 112 ¶ 6 until after the patent issued. We make the present re-issue application in order to claim the full breadth of our novel invention. Additionally, independent claim 1 recites the use of a motor to drive the rotatable disk. This limitation is incorrectly limiting because the motor is not needed to practice our invention. Both of these errors were first brought to our attention by the present assignee and, therefore, could not have been addressed during the pendency of the original application.
7. In place of the limitation "means for locking and unlocking said container door"
 - a. claim 5 recites "a plurality of locking elements movable between a moved-in position and a moved-out position ... comprising a projection from a plate with a pair of opposed edges;"
 - b. claim 10 recites "first and second plates, each ... comprising a locking element extending therefrom and first and second opposed edges, each of said locking elements extendable out of the door to engage a recess in the

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container” and “a rotatable disk and a plurality of connecting rods, the rotatable disk in rotatable mechanical communication with each of the locking elements via the connecting rods;”

- c. claim 16 recites “a plurality of plates with lateral edges, a shared drive ..., each plate comprising a locking element projecting from the plate, ... each of said plurality of locking elements extendable out of the door ... for penetration into one of a plurality of recesses in the container;”
- d. claim 18 recites “a plurality of projections and a disk ... in mechanical communication with each of said plurality of projections, each of said plurality of projections extending from a plate having opposed edges ... whereby the locking elements penetrate into said recesses in the container walls;” and
- e. claim 19 recites “a plurality of locking elements, each said locking element projecting from a plate and extendable out of the door to engage a recess in the container.”

8. In place of the limitation “means for providing that the penetration of the locking elements into said recesses is effected along a curved path as a result of a movement of each locking element into a corresponding recess as well as a direction normal thereto,”

- a. claim 5 recites “a plurality of parallel couplers pivotally mounted to one of the door walls and to each of said plate edges such that each of said plates is

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parallel to the door walls, whereby the penetration of each of said locking elements into one of said plurality of recesses is effected along a curved path;"

- b. claim 12 recites "first and second parallel couplers pivotally attached to each edge of each of said plates ... such that the locking elements remain generally parallel to said door walls and are displaced outwardly in a curved path;"
- c. claim 16 recites "a plurality of parallel couplers pivotally attached to each plate lateral edge ... [and] to one of said door walls such that each of said plurality of locking elements remains parallel to one of said door walls as each of said plurality of locking elements is displaced along a curved path;"
- d. claim 18 recites "each of said plurality of projections extending from a plate having opposed edges and held operably parallel to the door walls by a plurality of parallel couplers, each of said plurality of couplers pivotally attached to one of said door walls and further pivotally attached proximate each of said plate opposed edges, the projections each movable in a curved path ... by a cooperation between the disk and couplers;" and
- e. claim 19 recites "each said locking element ... pivotally affixed to one of the door walls by a plurality of parallel couplers ... each said locking element extended along a curved path."

9. With respect to the limitation "a rotatable disk driven by a motor:"

- a. claims 5, 12, 18, and 19 do not recite "a motor;" and
- b. claim 16 recites "a disk rotatable by a motor."

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10. All errors which are being corrected in the present Reissue application up to the time of filing this Declaration arose without any deceptive intention on the part of the applicants.

11. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9. That every error in the patent corrected in the present reissue application and not covered by prior declarations, arose without any deceptive intent.

10. We hereby claim foreign priority benefits under Title 35, U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed	
<u>195 35 178 Germany</u>	<u>Sep. 22, 1995</u>	<u>Yes</u>
(Number) (Country)	(Day/Month/Year Filed)	(Yes/No)

11. We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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☐ Additional inventors are named on the attached sheets.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 1 703 872 9326 on the date shown below.

Date

1 September 2004

Wm. Larry Alexander